

REMARKS

The previously referenced office action has been carefully review in connection with the above-referenced patent application. Claims 1-20 are rejected under 35 USC 102 on Neukermans et al. (USPAP 2002/0011558; hereinafter, "Neukermans"). Reconsideration of the above-referenced patent application in light of the foregoing amendment and following remarks is respectfully requested.

Claims 1-17 and 19-20 are pending. Claims 1 and 17 have been amended. Claim 18 has been canceled and incorporated into claim 17. No new claims have been added.

The Examiner has rejected claims 1-20 under 35 USC 102 on Neukermans. This rejection is respectfully traversed.

The amended claims are at least distinguishable over the cited document. The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. 102, a claim is anticipated *only if* each and every element of the claim is found in the cited document. Also, the cited document must show the claimed subject matter in as complete detail as recited in the claim.

We begin with claim 1, as amended. It is noted that the what is shown in Neukermans does not employ a single housing as is now recited in claim 1, as amended. Likewise, in Neukermans, the scanning channel and the operation panel do not substantially overlap and two sided scanning is not disclosed.

The Examiner, in particular, points to Figs. 5 and 5A discussed on page 5 of the cited patent. However, a single housing proves advantages over the housing shown in Figs 5 and 5A. In particular, a single housing is smaller and more compact. This is illustrated by a comparison of the figures of the above-referenced patent application with Figs. 5 and 5A of the cited patent. Although Figs 6A-E show a single housing, this embodiments does not meet the other limitations of claim 1, such as providing two sided scanning or controlling the scanning operation. Instead, the embodiment of Figs 6A-E employs manuel scanning as described on page 5. Thus, none of the embodiments of the cited document provide all of the elements and limitations of claim 1, as amended.

The remaining claims either depend from claim 1 or contain similar limitations. Therefore, these claims patentably distinguish from the applied patent on at least the same or similar basis. It is therefore respectfully requested that the Examiner withdraw the rejection of claims 1-17 and 19-20.

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The Examiner, in particular, points to Figs. 5 and 5A discussed on page 5 of the cited patent. However, a single housing proves advantages over the housing shown in Figs 5 and 5A. In particular, a single housing is smaller and more compact. This is illustrated by a comparison of the figures of the above-referenced patent application with Figs. 5 and 5A of the cited patent. Although Figs 6A-E show a single housing, this embodiment does not meet the other limitations of claim 1, such as providing two sided scanning or controlling the scanning operation. Instead, the embodiment of Figs 6A-E employs manuel scanning as described on page 5. Thus, none of the embodiments of the cited document provide all of the elements and limitations of claim 1, as amended.

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CONCLUSION

The foregoing is submitted as a full and complete response to the previously mentioned office action. In view of the foregoing amendment and remarks, assignee respectfully submits that pending claims are in condition for allowance and a notification of such allowance is respectfully requested.

Should it be determined that an additional fee is due, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account **50-3703**. If the Examiner believes that there are any remaining informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at 503.439.6500 is respectfully solicited.

Respectfully submitted,

Berkeley Law and Technology Group, LLP

Dated: 3/6/07

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